

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SOFTWARE RESTORE SOLUTIONS, LLC, an
Illinois limited liability company,

Plaintiff,

v.

APPLE INC., a California corporation,

Defendant.

) Civil Action No. 1:11-cv-5625
)
) The Honorable Sharon J. Coleman
)
) Magistrate Judge Morton Denlow
)
) **AGREED MOTION TO DISMISS**
)
)
)

Plaintiff, Software Restore Solutions, LLC (“SRS”), and Defendant, Apple, Inc. (“Apple”), jointly request that this Court dismiss all claims by SRS against Apple with prejudice and all counterclaims by Apple against SRS in this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), with each of the parties to bear its own costs.

Dated: January 5, 2012

SOFTWARE RESTORE SOLUTIONS, LLC

/s/Timothy P. Maloney

Timothy Maloney (IL 6216483)
Alison Aubry Richards
Nicole L. Little
David A. Gosse
FITCH EVEN TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603
Telephone: 312.577.7000
Facsimile: 312.577.7007
Email: tpmalo@fitcheven.com

Dated: January 5, 2012

APPLE, INC.

/s/Douglas E. Lumish (with consent)

Douglas E. Lumish
Joseph H. Lee
Kasowitz, Benson, Torres & Friedman LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, California 94065
Telephone: 650.453.5170
Facsimile: 650.453.5171
Email: dlumish@kasowitz.com
Email: jlee@kasowitz.com

Steven C. Schroer
FITCH EVEN TABIN & FLANNERY
1942 Broadway, Suite 213
Boulder, Colorado 80302
Telephone 303.402.6966
Facsimile 303.402.6970

Stacie R. Hartman (IL No. 6237265)
SCHIFF HARDIN LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
Telephone 312.258.5607
Facsimile 312.258.5600
Email: shartman@schiffhardin.com

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5.5(a)(3) on January 5, 2012.

/s/ Timothy P. Maloney
*Attorney for Plaintiff, Software Restore
Solutions, LLC*